

27 MAR 1965

Honorable William L. Dawson
Chairman, Committee on
Government Operations
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

We wish to submit the views of this Agency on H.R. 4845, 89th Congress, a bill "To provide for the economic and efficient purchase, lease, maintenance, operation, and utilization of automatic data processing equipment by Federal departments and agencies."

As is the case with many other agencies, the Central Intelligence Agency regards automatic data processing equipment as an invaluable and indispensable aid in the performance of its responsibilities. Such equipment has enhanced our capability to coordinate, correlate, and evaluate the vital and complicated security data and intelligence information which we are receiving in ever-increasing quantities.

CIA uses both specialized and general commercial equipment in its automatic data processing program. In both cases, however, utilization is inextricably involved in the security responsibilities of the Director of Central Intelligence.

The security responsibilities of the Director of Central Intelligence are imposed by the provisions of the National Security Act of 1947, as amended, and the Central Intelligence Act of 1949, as amended. These respectively provide:

(a) "That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;"

(b) "Section 6. In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 102(a)(3) of the National Security Act of 1947 (Public Law 253, Eightieth Congress, first session) that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of sections 1 and 2, chapter 795 of the Act of August 23, 1935 (49 Stat. 956, 957; 5 U.S.C. 654), and the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency: Provided, That in furtherance of this section, the Director of the Bureau of the Budget shall make no reports to the Congress in connection with the Agency under section 607, Title VI, chapter 212 of the Act of June 30, 1945, as amended (5 U.S.C. 947 (b))."

We have reviewed very carefully the views of the Department of Defense on H.R. 4845 in their letter to you dated 16 March 1965. We support their suggestions for amendments as set forth on page 4 of the letter. We also support the suggested amendment which appears later in the letter which recommends incorporating, on page 2, line 16 of the bill, the following provision:

"This section shall not be construed to apply to specially designed automatic data processing equipment for scientific, military or cryptologic uses and the head of a federal agency is authorized to determine when any automatic data processing equipment should be excluded from the provisions of this section for reasons of national defense or national security."

We believe that in order to make very clear that equipment used for intelligence programs would not be contemplated as coming within the purview of the proposed law, the word "intelligence," offset by commas, should be inserted after the word "scientific." With this change, we fully endorse this amendment.

In reviewing the hearings and the floor discussion on H. R. 5171, a similar bill introduced in the 88th Congress, we find numerous references where intelligence and classified activities were used as examples of the type of activities the Administrator would or should exempt from the provisions of the proposed law. H. R. 4845 provides the Administrator with similar authority to grant exemptions from the full scope of the bill.

Nevertheless, we believe that it is extremely important that any law on this subject be clearly worded so that there is no dilution of the authority and responsibility of agency heads, who, by law, are charged with protecting the national security. For this reason, we would appreciate your favorable consideration of our suggestions.

We will be happy to provide any additional information that your Committee may request.

The Bureau of the Budget advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report.

Faithfully yours,

STGNEB

**Marshall S. Carter
Lieutenant General, USA
Deputy Director**

Subject File